

**General Waiver Justification:**

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer **all** of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

**1. Will the waiver adversely affect adjacent property owners?**

Currently there is not a 10' landscape buffer along the eastern perimeter of the property, and therefore would be no change to the existing conditions. The adjacent property owners would see no change to existing conditions. The Owner is proposing to add a green verge & street trees to the front sidewalk facing Cherokee Road to provide green space for public use.

**2. Will the waiver violate the Comprehensive Plan?**

This waiver will not violate the comprehensive plan as it upholds the existing character of the neighborhood and neighboring buildings. Buildings along the Traditional Marketplace Corridor are generally closely spaced or attached. The existing building is a historic building and is located very close to the property line, it can not be removed nor modified to accommodate the 10' landscape buffer, per Landmarks Historic District requirements.

**3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?**

Yes, this is the only waiver requested for this property and if granted it will provide relief to the applicant.

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**4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?**

The applicant has incorporated an 8'-6" wide green verge and three street trees in the front sidewalk along Cherokee Road, this is not required and exceeds the minimum requirement for tree canopy. The strict application of the provisions of the regulation will deprive the applicant of reasonable use of the land, as it would require the parking lot to be reduced, removing 8 parking spaces. The removal of 8 parking spaces would then reduce the total parking count and would be below the minimum required by the Land Development Code. A 10 ft portion of the existing historic building would also have to be removed and that is not permitted by the Louisville Landmarks historic district guidelines.